

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FIRS HOME OWNERS ASSOCIATION,

Case No. C19-1130RSL

Plaintiff,

ORDER DENYING MOTION FOR RECONSIDERATION

V.

CITY OF SEATAC,

Defendant.

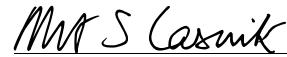
On August 18, 2020, the Court granted plaintiff's motion for a continuance of the trial and related dates. Defendant filed a motion for reconsideration, arguing that the Court had erroneously concluded that the motion to continue was unopposed and had inadvertently extended deadlines that had already passed. Dkt. # 71. The extension of the deadlines was not inadvertent. After reviewing the motion and supporting documents, the Court concluded that the timing of the motion was reasonable given the interactions between the parties and that good cause existed for the extension of both the expert disclosure and discovery deadlines.

1 As for the Court's characterization of the motion as "unopposed," defendant
2 failed to file its opposition in a timely manner. Motions for relief from a deadline may
3 be noted for consideration on an expedited basis under LCR 7(d)(2), but they do not
4 have to be. If a party chooses to note a motion for relief from a deadline for
5 consideration on the second Friday after filing, the opposing party is given until the
6 Wednesday before the note date to file its response: otherwise it could have as little as
7 two days in which to review the motion and submit an opposition. If, however, the
8 moving party notes the motion for the third Friday after filing, LCR 7(d)(3) applies.
9 Under that provision, the opposing party is guaranteed at least a week to submit its
10 opposition, which is due the Monday before the note date. The moving party then has at
11 least four business days in which to reply. Plaintiff's motion was filed on August 6,
12 2020, and noted for consideration on the Court's calendar for August 21, 2020. It was,
13 in fact, noted for the third Friday after filing. Pursuant to LCR 7(d)(3), defendant had
14 seven business days to respond: it did not have the option to unilaterally choose a
15 different procedural rule, take even more time to respond, and concomitantly shrink the
16 time in which plaintiff had to reply.

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18 For all of the foregoing reasons, defendant has not shown manifest error or new
19 law or facts that could not have been presented in a timely manner. Reconsideration is
20 therefore DENIED. Even if the Court were to consider defendant's belated responses to
21 the motion to continue, it does not dispute the fact that it refused to permit depositions
22 to be conducted remotely until the end of June 2020, despite an on-going COVID-19
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1 pandemic. Once defendant agreed to remote depositions and plaintiff was able to
2 question two former city councilmembers, the need to take additional depositions
3 became clear, and plaintiff understood that expert testimony regarding implicit bias and
4 areas of discretion in the administration of federal fair housing laws might be helpful to
5 the jury. Thus, even if the Court were to reconsider its prior order, the August 18, 2020,
6 amended case management order would remain in place.

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9 Dated this 8th day of September, 2020.
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12 Robert S. Lasnik
13 United States District Judge
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